



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/055,798	01/22/2002	Harry L. Tarnoff	ZOUSA.001A3	7429

7590

06/09/2005

Jeffrey Klein  
Contrive, Inc.  
4025 Oakfield Drive  
Sherman Oaks, CA 91423

EXAMINER
----------

WASSUM, LUKE S

ART UNIT	PAPER NUMBER
----------	--------------

2167

DATE MAILED: 06/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/055,798

**Applicant(s)**

TARNOFF, HARRY L.

**Examiner**

Luke S. Wassum

**Art Unit**

2167

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 05 April 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 16-34 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 16-34 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 June 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>20040702</u> .  | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Response to Amendment*

1. The Applicant's amendment, filed 5 April 2005, has been received, entered into the record, and considered.
2. As a result of the amendment, claims 1-15 have been canceled, and new claims 16-34 have been added. Claims 16-34 are now presented for examination.

### *The Invention*

3. The claimed invention is a system and method for notifying network nodes of specific events that have occurred on a content node, such as the modification of content contained therein.

### *Priority*

4. The Applicant's claim to domestic priority under 35 U.S.C. § 119(e), based upon U.S. Provisional Application 60/263,148, filed 22 January 2001, is acknowledged.
5. Since the scope of the subject matter claimed in the instant application is greater than that disclosed in the provisional application, particularly with regard to the use of RevBots to provide digital rights management, the priority date will be either 22 January 2001 or 22 January 2002, depending upon the specific claim considered.

*Information Disclosure Statement*

6. The Applicants' Information Disclosure Statement, filed 2 July 2004, has been received and entered into the record. Since the Information Disclosure Statement complies with the provisions of MPEP § 609, the references cited therein have been considered by the examiner. See attached form PTO-1449.

*Claim Rejections - 35 USC § 112*

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claims 16-34 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

9. Regarding claims 16, 28 and 30, these claims contain the limitation that said network nodes obtain notifications in a timely and organized manner. This limitation renders the claims indefinite, because it is unclear as to the precise meets and bounds which the Applicant intends to claim, and neither would it be apparent to one of ordinary skill in the art whether a similar invention operated in a timely and organized manner to the degree that it would or would not infringe the claimed invention.

10. Dependent claims 17-27, 29 and 31-34, fully incorporating the deficiencies of their respective parent claims, are likewise rejected.

11. Regarding claims 25 and 32, the limitation 'oriented towards e-commerce' renders the claims indefinite. An ordinary artisan would not know what specific characteristics would be required of a network communication so as to constitute an 'e-commerce oriented' communication.

12. Regarding claims 26 and 33, the limitation 'oriented towards digital rights management' renders the claims indefinite. An ordinary artisan would not know what specific characteristics would be required of a network communication so as to constitute a 'digital rights management oriented' communication.

*Claim Rejections - 35 USC § 102*

13. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

14. Claims 16-19, 21-23, 27, 28 and 30 are rejected under 35 U.S.C. 102(e) as being anticipated by Chow et al. (U.S. Patent 6,029,175).

15. Regarding claim 16, **Chow et al.** teaches an intelligent agent for informing network nodes of one or more events associated with a website as claimed, comprising:

- a) a set of rules to which said intelligent agent refers for its operation (see disclosure at col. 5, lines 1-5, et seq., that specific objects are registered as of interest to specific users, and that a maximum desired frequency for notification is also registered, said information constituting the claimed rules);
- b) first means for said intelligent agent detecting that said events have occurred (see col. 6, lines 4-7);
- c) second means for said intelligent agent discerning one or more network nodes with which to communicate (see col. 5, lines 43-50);
- d) third means for said intelligent agent notifying said network nodes about said events (see col. 6, lines 7-15); and
- e) fourth means for said network nodes receiving and processing the notification of said events whereby said network nodes obtain notification of said events associated with said website in a timely and organized manner (see col. 6, lines 7-15).

16. Regarding claim 28, **Chow et al.** teaches an intelligent agent for informing network nodes of one or more events associated with a database as claimed, comprising:

- a) a set of rules to which said intelligent agent refers for its operation (see disclosure at col. 5, lines 1-5, et seq., that specific objects are registered as of interest to specific users, and that a maximum desired frequency for notification is also registered, said information constituting the claimed rules);

- b) first means for said intelligent agent detecting that said events have occurred (see col. 6, lines 4-7);
- c) second means for said intelligent agent discerning one or more network nodes with which to communicate (see col. 5, lines 43-50);
- d) third means for said intelligent agent notifying said network nodes about said events (see col. 6, lines 7-15); and
- e) fourth means for said network nodes receiving and processing the notification of said events whereby said network nodes obtain notification of said events associated with said database in a timely and organized manner (see col. 6, lines 7-15).

17. Regarding claim 30, **Chow et al.** teaches an intelligent agent for informing network nodes of one or more events associated with a network presence as claimed, comprising:

- a) a set of rules to which said intelligent agent refers for its operation (see disclosure at col. 5, lines 1-5, et seq., that specific objects are registered as of interest to specific users, and that a maximum desired frequency for notification is also registered, said information constituting the claimed rules);
- b) first means for said intelligent agent detecting that said events have occurred (see col. 6, lines 4-7);
- c) second means for said intelligent agent discerning one or more network nodes with which to communicate (see col. 5, lines 43-50);
- d) third means for said intelligent agent notifying said network nodes about said events (see col. 6, lines 7-15); and

e) fourth means for said network nodes receiving and processing the notification of said events whereby said network nodes obtain notification of said events associated with said network presence in a timely and organized manner (see col. 6, lines 7-15).

18. Regarding claim 17, **Chow et al.** additionally teaches an intelligent agent wherein one or more network nodes respond to the notifications by said intelligent agent (see col. 4, lines 34-39).

19. Regarding claims 18, 19 and 27, **Chow et al.** additionally teaches an intelligent agent wherein said intelligent agent informs network nodes of events associated with a subset of said website and events relating to the content of said website and wherein said intelligent agent comprises a means for activating said intelligent agent to operate on behalf of a website (see disclosure that the user can register interest in specific objects, said objects constituting any piece of data which would include subsets of websites and content of websites, col. 4, lines 18-23).

20. Regarding claim 21, **Chow et al.** additionally teaches an intelligent agent wherein said intelligent agent operates on a portable device (see disclosure that the revision manager operates on any client device that can connect to a wide or local area network, said client devices including portable devices such as a laptop computer, col. 9, lines 28-31 and 40-44).

21. Regarding claims 22 and 23, **Chow et al.** additionally teaches an intelligent agent wherein a plurality of said intelligent agents is associated with said website, and wherein said intelligent agent is



Art Unit: 2167

associated with a plurality of said websites (see disclosure that each revision manager can serve multiple users and that multiple revision managers can be employed, col. 4, lines 46-53).

*Claim Rejections - 35 USC § 103*

22. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

23. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

24. Claims 20, 24-26, 29 and 31-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Chow et al.* (U.S. Patent 6,029,175) as applied to claims 16-19, 21-23, 27, 28 and 30 above, and further in view of *Umbreit* (U.S. Patent 6,704,787).

25. Regarding claims 20 and 31, *Chow et al.* teaches an intelligent agent substantially as claimed.

**Chow et al.** does not explicitly teach an intelligent agent wherein the network communication is performed in a secured manner.

**Umbreit**, however, teaches an intelligent agent wherein the network communication is performed in a secured manner (see disclosure of network communication being encrypted, col. 4, lines 52-55).

It would have been obvious to one of ordinary skill in the art at the time of the invention to implement encrypted communications, since this would protect said communications from interception by users for which said communications were not intended.

26. Regarding claims 24, 29 and 34, **Chow et al.** teaches an intelligent agent substantially as claimed.

**Chow et al.** does not explicitly teach an intelligent agent wherein the intelligent agent performs an operation from the group consisting of filtering, blocking, enhancing, reformatting and modifying information.

**Umbreit**, however, teaches an intelligent agent wherein the intelligent agent performs an operation from the group consisting of filtering, blocking, enhancing, reformatting and modifying information (see disclosure of modifying and filtering, col. 6, line 58 through col. 7, line 10; see disclosure of enhancing, col. 7, lines 25-26).

It would have been obvious to one of ordinary skill in the art at the time of the invention to perform said operations on information, since in this way, information can be customized to suit a particular user or system.

27. Regarding claims 25 and 32, **Umbreit et al.** additionally teaches an intelligent agent wherein the network communication is oriented towards e-commerce (see col. 6, line 58 through col. 7, line 10).

28. Regarding claims 26 and 33, **Umbreit et al.** additionally teaches an intelligent agent wherein the network communication is oriented towards digital rights management (see disclosure of access to entertainment content including textual, video and music content, such content constituting the claimed copyrighted material, copyrighted material including intellectual property, col. 7, lines 21-22).

#### *Response to Arguments*

29. Applicant's arguments with respect to claims 16-34 have been considered but are moot in view of the new ground(s) of rejection.

30. Regarding the Applicant's request for constructive assistance, the Applicant is encouraged to contact the examiner upon receipt of this Office action in order to discuss the invention, claims and currently asserted prior art.

*Conclusion*

31. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

**Newell et al.** (U.S. Patent Application Publication 2003/0112270) teaches a litigation management system and method.

**Wolton et al.** (U.S. Patent Application Publication 2004/0030741) teaches a method of search and visual navigation of information from networks with remote notification and content delivery.

**Fox et al.** (U.S. Patent Application Publication 2004/0068665) teaches a method for maintaining security in a push server.

**Rajan et al.** (U.S. Patent Application Publication 2004/0078464) teaches a method for enabling real-time monitoring and notification of data updates for web-based data synchronization services.

**Tsimelzon, Jr.** (U.S. Patent Application Publication 2004/0177148) teaches a method for selecting and viewing portions of web pages.

32. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on

Art Unit: 2167

the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Luke S. Wassum whose telephone number is 571-272-4119. The examiner can normally be reached on Monday-Friday 8:30-5:30, alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John E. Breene can be reached on 571-272-4107. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

In addition, INFORMAL or DRAFT communications may be faxed directly to the examiner at 571-273-4119.

Customer Service for Tech Center 2100 can be reached during regular business hours at (571) 272-2100, or fax (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Luke S. Wassum  
Primary Examiner  
Art Unit 2167